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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2419 OF 2005

Mr. Sanjay Vijay Shah. .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

None present for Petitioner.

Mrs. A.S. Pai, APP., for State.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 21st August, 2006.

P.C.

. The petition came to be filed for seeking a writ of habeas corpus as the employee of the petitioner Ashok Ram Singh was taken away by Matunga Police Station after they conducted raid on the establishment of the petitioner where he runs a video parlour.

2. The petitioner has alleged that the said Ashok Ram Singh was tortured in police custody because of which he suffered injuries resulting in giddiness, blackening an so on.

3. It is further submitted that in spite of the petitioner lodging report, no action was taken

against the officers who assaulted Ashok Ram Singh who was thereafter got admitted by him in Sion Hospital (Lokmanya Tilak Hospital, Sion) and it is from Sion Hospital that his servant Ashok Ram Singh has been missing and, therefore, he seeks a direction of this Court against the respondents to trace out Ashok Ram Singh.

4. In their reply, the respondents have denied all the allegations and have submitted that Ashok Ram Singh on his own ran away from Sion Hospital and, therefore, there is nothing placed on record to show that he was wrongfully detained or confined by Matunga Police Station. It is further contended that they have made all efforts to trace the whereabouts of Ashok Ram Singh but he could not be found. Therefore, in the facts and circumstances of the case we find that no case has been made out to issue writ of habeas corpus against the respondents. Therefore, the petition is dismissed. Rule is discharged.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)